

## **REMARKS**

Claims 1-17 are now pending in the application. The amendments to the claims contained herein are intended to broaden the scope thereof and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

Applicant amends Claim 1 such as to present a performance information edit and playback apparatus in which a plurality of constituent parts regarding accompaniment included in the style data are displayed in the second display section in the form of blocks, wherein at least one block is selectively moved to the desired time-related position in the performing parts included in the user's performance data displayed in the first display section, so that a series of musical tone event data included in the constituent part designed by the at least one block currently selected are written at the desired time-related position in the user's performance data.

Suzuki teaches the technology in which control data are extracted from the musical tones, which are produced by use of the performing techniques such as bend-up, glissando, and vibrato that the player uses when playing musical instruments, wherein the control data are stored in the memory. The control data represent characteristics regarding amplitude variations and tone color variations as well as pitch variations (or waveforms). The control data do not designate the accompaniment that is auxiliary to the melody line of a musical tune. That is, Applicant considers that the control data taught by Suzuki do not construct the style data, do not designate the accompaniment, and do not relate to a series of musical tone event data arranged in a time-series manner. In addition, Suzuki completely fails to teach an important point of

the subject invention in which the constituent parts regarding the accompaniment are shown in the form of blocks.

Suzuki discloses in the paragraph started from column 15, line 50, and Figure 8, that execution icons are applied to musical notes on the musical score so as to insert parameters regarding execution icons into note data, wherein when musical tones corresponding to the musical notes are to be produced, the control data regarding the execution icons are read out so as to synthesize the musical tones in accordance with the executions. However, Suzuki fails to teach that a series of musical tone event data arranged in a time-series manner, which are included in the constituent parts regarding the accompaniment, are written into the performing parts including a series of musical tone event data arranged in a time-series manner. Hence, Suzuki completely fails to teach the aforementioned point of the subject invention in which at least one block displayed in the second display section is selectively moved to the desired time-related position in the performing parts of the user's performance data displayed in the first display section, so that the series of musical tone event data included in the constituent part designed by the at least one block currently selected are written at the desired time-related position in the user's performance data. That is, Applicant concludes that the aforementioned technical features of claim 1 amended by Applicant are not at all taught or indicated by Suzuki.

Applicant amends Claim 4 such as to present a performance information edit and playback apparatus in which one of the accompaniment parts included in the user's performance data and the accompaniment parts included in the "fixed" style data, which cannot be rewritten by the user, are selected in accordance with the user's instruction,

whereby the selected accompaniment parts, which are included in either the user's performance data and the style data, are played back in parallel with the performing parts included in the user's performance data other than the accompaniment parts.

Suzuki discloses in Figure 9 a flowchart showing processing in which execution icons are applied to musical tones on the musical score, whereby it is possible to generate musical tones in accordance with executions such as bend-up, glissando, and vibrato. Of course, this technology disclosed in Suzuki completely differs from the subject invention in which the accompaniment parts are independently played back in parallel with the prescribed performing parts other than the accompaniment parts. In addition, Suzuki fails to teach the accompaniment parts included in the user's performance data and the accompaniment parts included in the "fixed" style data, which cannot be rewritten by the user and are stored in the digital storage medium such as a ROM. Suzuki may teach in the paragraph starting from column 7, line 57 the sound source circuit 2J that can simultaneously generate a plurality of musical tones; however, as described above, Suzuki completely fails to teach the aforementioned point of the subject invention regarding the selection of the accompaniment parts, which should be played back in parallel with the performing parts included in the user's performance data other than the accompaniment parts. Therefore, Applicant concludes that Suzuki fails to teach or indicate the point of claim 4 amended by the application.

Applicant amends claim 6 such as to present a performance information edit and playback apparatus in which recording is performed on the specific part selected from among the user's performance data by operating the record switch and start switch, wherein a decision is made as to whether or not there exists the performing part that is

set to the record mode within a plurality of performing parts included in the user's performance data, so that the start switch is changed in the display manner in response to the decision result.

Hayakawa discloses in the paragraph starting from column 5, line 51 that by operating the punch-in/punch-out switch 17 while reading in the song data upon the operating of the start/stop switch 11, the punch-in timing and the punch-out timing are set up. It also teaches that the LED is changed in the turn-on manner when the punch-in recording is set up. In other words, it merely teaches that the LED is changed in the turn-on manner in response to the operation of the punch-in/punch-out switch 17.

Claim 6 of the subject application describes a decision as to whether or not there exists the performing part that is set to the record mode within a plurality of performing parts included in the user's performance data. Hayakawa fails to teach such a decision made in claim 6 of the subject application. In addition, Hayakawa fails to teach or indicate that the start switch is changed in the display manner within the two switches for triggering the start of recording. Of course, Suzuki also fails to teach or indicate this point.

Applicant believes that the arguments set forth for Claim 1 also apply to Claim 7. In addition, both of Suzuki and Matsuda fail to teach or indicate the point of claim 7 in which the tone pitch of the constituent part regarding the accompaniment in the block, which is moved into the performance data window, is automatically modified to suit the chord information previously assigned to the chord sequence in the performance data window, and the length of the constituent part regarding the accompaniment is automatically adjusted to suit the specific part of the user's performance data.

## CONCLUSION

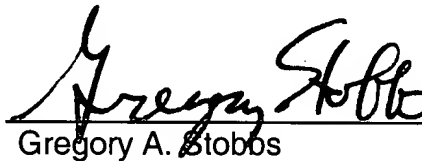
It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated:

Aug 24, 2004

By:



Gregory A. Stobbs  
Reg. No. 28,764

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600